

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.,

Plaintiff, Counter-defendant,

APPLE INC.,

Defendant, Counterclaimant.

Case No. 4:20-cv-05640-YGR-TSH

**RESPONSE TO EPIC’S OBJECTIONS
TO SPECIAL MASTER RULINGS ON
APPLE INC.’S PRODUCTIONS OF RE-
REVIEWED PRIVILEGE DOCUMENTS**

The Honorable Thomas S. Hixson
San Francisco Courthouse
Courtroom E - 15th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Dear Magistrate Judge Hixson,

Pursuant to section 4 of the Joint Stipulation and Order Approving Privilege Re-Review Protocol (Dkt. 1092) (the “Protocol”), Apple respectfully submits the following Response to Epic’s Objections to certain of the Special Masters’ rulings on Apple’s productions of re-reviewed and privileged documents, rendered February 14, 2025. We are submitting these documents for *in-camera* review contemporaneously with this filing.

Apple’s responses relate only to documents Apple believes are not already covered by Your Honor’s and Judge Gonzalez Rogers’ existing rulings on Apple’s privilege assertions in this post-judgment discovery. As previously noted, *see* Dkt. 1109, Apple reserves all rights as to documents affected by those rulings, including any post-judgment appellate rights.

Entry Nos. 4797 (PRIV-APL-EG 00198303), 4799 (PRIV-APL-EG 00198307), 4800 (PRIV-APL-EG 00198309)

Entry 4797 (PRIV-APL-EG_00198303) is a short chat between Ling Lew (in-house counsel) and a non-lawyer. The filename indicates other non-lawyer participants were included in the thread, but they do not actually participate in the discussion. The exchange consists of a note from Ms. Lew about an issue that will need to be accounted for in the new entitlement framework for Injunction compliance, a question from the non-lawyer about a related issue, and then a response from Ms. Lew discussing changes to the contract terms to address these issues. This is an exchange for the purpose of requesting and providing legal advice and it is privileged.

Entry 4799 (PRIV-APL-EG_00198307) is a short chat between Ling Lew (in-house counsel) and three non-lawyers regarding the terminology for certain changes to the App Store. Ms. Lew explains the different models Apple is considering in order to comply with new regulations in the European Union. This is an exchange for the purpose of requesting and providing legal advice and it is privileged.

Entry 4800 (PRIV-APL-EG_00198309) is an exchange between a non-lawyer and Jennifer Brown (in-house counsel), in which the non-lawyer asks a question about what kind of messaging and requirements may be permitted under the Injunction. Ms. Brown provides a response and analysis, including a discussion of legal strategy. This is an exchange for the purpose of requesting and providing legal advice and it is privileged.

DATED: February 21, 2025

WEIL, GOTSHAL & MANGES LLP
By: /s/ Mark A. Perry
Counsel for Defendant Apple Inc.